

REMARKS

Upon approval of the undersigned's request for entry of the present invention, claims 56-65 and 71-82 will be pending. Previously examined claims 56-65 and 71-82 were previously rejected under 35 U.S.C. Section 102(b), or alternatively, Section 103(a), based upon Sloop, Sr. (US Patent No. 4,704,881). Further, an obviousness-type double patenting rejection was asserted against the claims. In light of the amendments and the following remarks, claims 56-65 and 71-82 are respectfully asserted to be patentable over the cited art of record. Further action to that end is earnestly solicited.

The Cited Reference

Sloop - US Patent 4,704,881 (the '881 patent)

The '881 patent teaches an access control system for limiting unauthorized utility meter adjustments. The '881 patent teaches a locking key that engages a locking member which secures a cover over the access structures of the meter. The locking key includes a shank which, when the locking key engages the locking member coupled into the cover, inhibits rocking of the key/locking member combo to prevent the removal of the locking member without removing the key. The locking member and the locking key include apertures that align when the locking key and locking member are inserted into the cover. A padlock passed through the aligned apertures inhibits the separation of the locking key from the locking member, thereby securing the cover over the access controls.

The Rejection

Claims 56-65 and 71-82 were rejected under 35 U.S.C. Section 102(b) as anticipated by or, in the alternative, under 35 U.S.C. Section 103(a) as being obvious over the '881 patent.

Claim 56

Independent claim 56, as amended, now recites a locking device for a portable electronic device. The rejection of claim 56 is respectfully requested to be withdrawn because the '881 patent fails to teach or suggest this limitation.

Claims 56 and 71

Independent claims 56 and 71 have been amended to recite that the claimed cable constrains movement of the portable object (which in claim 56 is an electronic portable

object). The '881 patent fails to teach or suggest this limitation. The cable does not constrain movement, but the presence of the locking member and locking key within the housing inhibits its removal. The lock housing (88) is not susceptible to movement except if it is unlocked from the utility meter. The rejection of claims 56 and 71 is respectfully requested to be withdrawn. Claims 56, 61, 71, and 77

In dependent claims 56, 61, 71 and 77 recites a moveable locking arm, extending from the housing, that may be moved between a locked position and an unlocked position. As characterized by the rejection, the '881 patent is unable to satisfy this limitation.

The rejection asserts that the '881 patent teaches: housing 66, moveable locking arm 62 with locking member 64, pin 76, and cable (shackle of padlock). This characterization of the '881 patent does not satisfy the claim limitations.

In the '881 patent, the locking arm 62 is independent from the structure identified as the housing 66. It is an important part of the '881 patent that this locking arm 62 be moved between an unlocked position and a locked position, only when the housing 66 is disengaged from the locking arm 62. When the locking arm 62 extends from the housing 66, the locking arm may no longer be moved between these positions. Hence, the locking arm 62 fails to satisfy the claim limitation that the locking arm extend from the housing and be moveable. The rejection of claims 56, 61, 71 and 77 is respectfully requested to be withdrawn. Claims 57-60, 62-65, 72-76, and 78-82

Dependent claims 57-60, 62-65, 72-76, and 78-82, dependent from the independent claims discussed above, are respectfully asserted to be patentable at least for the reasons set forth above. Therefore, the rejection of these claims is respectfully requested to be withdrawn.

Double Patenting

Upon indication of allowable subject matter, a suitable terminal disclaimer satisfying the identified requirements, will be filed.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

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Application No.: 09/441,142
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PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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